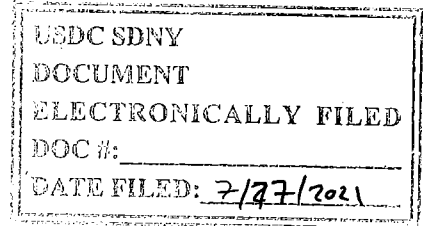


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COREY A. LATIMER, SR. :
Plaintiff, :

v. :

MARK ROYCE, Superintendent; SGT. :
ROSITA ROSSY; and SGT. DAVID :
MAZELLA, :
Defendants. :
-----X

ORDER

21 CV 1275 (VB)

Copies Mailed/Faxed 7/27/21
Chambers of Vincent L. Briccetti

Plaintiff, proceeding pro se and in forma pauperis, commenced this action on January 27, 2021. On June 28, 2021, defendants moved to dismiss. (Doc. #16).

On July 26, 2021, plaintiff filed his opposition to defendants' motion. Among other arguments in his opposition, plaintiff requests leave to amend his complaint "as an available recourse." (Doc. #18 at 3).

A pro se litigant "should be afforded every reasonable opportunity to demonstrate he has a valid claim," Satchell v. Dilworth, 745 F.3d 781, 785 (2d Cir. 1984), and should be granted leave to amend "at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated," Chavis v. Chappius, 618 F.3d 162, 170 (2d Cir. 2010).

Accordingly, it is hereby ORDERED that plaintiff is granted leave to file an amended complaint. The amended complaint shall be filed by **August 31, 2021**. Plaintiff is reminded that the amended complaint will **completely replace, not merely supplement, the existing complaint. Therefore, plaintiff must include in the amended complaint all information necessary for his claims.**

If plaintiff fails to file an amended complaint or seek additional time to do so by August 31, 2021, the Court will deem defendants' motion to dismiss to be fully submitted and decide that motion in due course. Moreover, the Court is unlikely to grant plaintiff a second opportunity to amend the complaint.

Defendants shall answer, move, or otherwise respond to plaintiff's amended complaint by **September 30, 2021**.

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket. Plaintiff is reminded to notify the Court in writing if his address changes, and that the Court may dismiss the action if plaintiff fails to do so.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: July 27, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge